

IN THE UNITED STATES DISTRICT COURT  
Alabama Middle District ( Montgomery ) Case Cite: 2:06-cv-00148-MHT

Paul Pogue  
in his individual capacity and  
in his capacity as owner of  
Surveyors' Park

V.

Sandy G. Robinson  
a for-profit Representative of  
International Paper Company, et al.,

Plaintiffs' File a Suggestion of NULLITY and Miscarriage Of Justice  
In Response to the Magistrate's "Recommendation" Document Number 40

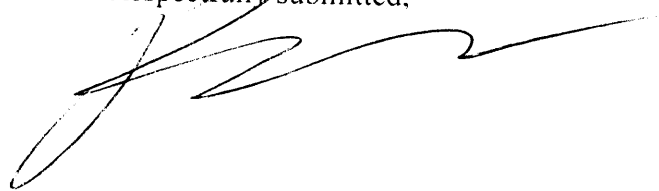
Plaintiffs explains as follow.

1. Document number 40, has been superseded by Document 41, and is thus, due to be disregarded in the manner consistent with the federal rules and manuals used by magistrates to format a recommendation.
2. The scope of legal theory and practice does not give a practicing magistrate, everlasting discretion. After the magistrate's recommendation becomes published, it carries with it, legal implications; therefore, due care and diligent must be practiced prior to publication. Otherwise, hop scotch and/ or hooky poky acts will become the order of the day.
3. Magistrate status does not give unto the presiding magistrate, roving authority to do as she please after the recommendation document arrives at the clerk's office.
4. Since Document number 40, has been superceded by document 41, it is due no response.

Wherefore, Plaintiffs ask that this honorable Federal Court System, at Montgomery, Alabama, recognize that document 40, was superceded, and moving forward in time, is surely due to be stricken and recognized as a nullity and miscarriage of justice. Further, the expressed

language of the Recommendation Document 40, does not contain an open clause that would allow the Magistrate to revisit the Recommendation absent judicial warrant and or granted permission from a federal district court judge or other appropriate superior judicial authority.

Respectfully submitted,



SURVEYORS' PARK  
PAUL POGUE  
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Certificate of mailing by U.S. Mail- A copy of this pleading was mailed to Mr. Charles T. Conway at P.O. Box 302550, Montgomery, Alabama 36130 and Mr. Christopher W. Weller at P.O. Box 2069, Montgomery, Alabama and Surveyors Park at 310 Kahn Street, Montgomery, Al 36104 and done this 9<sup>th</sup> day of March 2007.

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Plaintiff learned in the "Sandy G. Robinson" legal episode, See Pogue and Surveyors Park legal review and brief through out this proceeding. The practice, act on the document that's filed, review the response, alter the filed document but issue magistrate's ruling on the altered pleading. Forget about the so-called respondent's due process and equal treatment. Irrespective of motive and/or incentive, Sandy G. Robinson, for now, is no longer an active party defendant.